

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

LOWELL M. KOEHLER,	FINAL DECISION AND ORDER
RESPONDENT	LS9911172APP
	99 APP 004

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Lowell M. Koehler
1616 Pebblebrook Trail
Sun Prairie, WI 53590

Bureau of Business and Design Professions
Real Estate Appraisers Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935

Madison, WI 53708-8935

The State of Wisconsin, Real Estate Appraisers Board, having considered the Stipulation Agreement Annexed-hereto of the parties, in resolution of the captioned-matter makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to jurisdiction and authority granted to the Board, in Ch. 458, Wis. Stats., and sec. RL 2.12, Wis. Adm. Code, that the Stipulation Agreement-annexed hereto, filed by Complainant’s Attorney, shall be and hereby is incorporated, made and ordered the Final Decision and Order of the State of Wisconsin, Real Estate Appraisers Board.

Let a copy of this Order be served on Respondent by certified mail.

Dated this 17th day of November, 1999.

Paul Vozar

STATE OF WISCONSIN
BEFORE THE REAL ESTATE APPRAISERS BOARD

IN THE MATTER OF THE DISCIPLINARY :

LOWELL M. KOEHLER,

RESPONDENT

STIPULATION

99 APP 004

Respondent Lowell M. Koehler (Koehler), and Complainant's Attorney, Henry E. Sanders, Division of Enforcement, having reached agreement for disposition of the captioned-matter, stipulate and agree as follows:

1. Respondent Koehler, of 1616 Pebblebrook Trail, Sun Prairie, Wisconsin 53590, was at all time material to the complaint, certified as a Licensed Appraiser, and has been so certified under the provisions of Ch. 458, Wis. Stats., since September 12, 1995.

2. The Stipulation shall be submitted to the Real Estate Appraisers Board (Board) for approval and disposition of the matters. If the terms of the Stipulation are not acceptable to the Board, then the parties shall not be bound by any of the provisions of the Stipulation.

a. This Stipulation is dispositive of Investigative Complaint # 99 APP 004.

3. Respondent has been advised of his right to a public hearing on each and every allegation of the complaint, but hereby freely and voluntarily waives his right to a hearing in this matter, on the condition that all provisions of this Stipulation be acceptable to and approved by the Board.

a. Respondent further agrees to waive any appeal of the Board's Final Decision and Order adopting the Stipulation Agreement.

4. The Department received a complaint against Respondent from a review appraiser who had performed a review of an appraisal that the Respondent had performed dated November 11, 1998, which alleged that Respondent made a series of factual errors or misrepresentation concerning comparable sales, and concluded a value which was completely unsupported, in the complainant's opinion.

5. Respondent was confronted with the allegations and was requested to provide a response and relevant documentation. The subject appraisal and related documentation were reviewed by a Case Advisor/Appraisal expert, who reviewed the documentation for compliance with USPAP, and said review concluded succinctly in pertinent part that:

a. Respondent's appraisal report does not comply with USPAP because Respondent used boundaries that encompassed fifty (50), square miles, which is too wide and the comparisons are not very good. The Complainant found two comparisons that were in the same neighborhood, which Respondent disregarded, and thus, violated USPSP Standard & Rule 1-1(b), an appraiser shall not commit a substantial error of omission or commission that significantly affects an appraisal; Violated standard Rule 2-1. The appraisal report did not clearly and accurately set forth the appraisal in a manner that was not misleading, did not contain sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly, and did not clearly disclose any extraordinary assumption or limiting condition that directly affects the appraisal and indicate its impact on value, i.e., the reviewer opined that as an outsider, reviewer of the report, the reviewer did not get a feel for the subject property or area to fully understand the report, that there were too much canned information in the report, and it did not contain sufficient information.

Respondent also violated Standard Rule 2-2. Each written real property appraisal report must be prepared under one of the three options and prominently state what option is used: self contained, summary, or restricted appraisal report.

6. By virtue of the above enumerated acts and/or omissions, including those acts enumerated in the Complaint to the Department, Respondent, Koehler is also deemed to have violated sec. 458.26(3)(c) Wis. Stats., by engaging in conduct while practicing as an appraiser which evidences a lack of knowledge or ability to apply professional principles or skills, and violated Sec. RL 86.01(1), Wis. Adm. Code, . . . all appraisals shall conform to USPAP.

7. Based upon the above and in settlement of these matters, Respondent, Koehler hereby consents and agrees to take and complete a minimal of fifteen (15), hours of general appraisal education, to be completed within twelve (12) months of the effective date of the Boards’ order adopting this stipulation agreement.

8. The ordered education shall not count or be credited towards Respondent’s required continuing education, and if Respondent should fail to complete the education as ordered, or fails to get the Board’s approval for an extension to complete the education, he shall be deemed to be in violation of the Board Order, and may be subjected to further discipline.

9. Proof of completion of the ordered education shall be submitted to the attention of the Department’s monitor:

Ted Nehring
Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

10. Respondent further agrees that this stipulation agreement may be incorporated into the Board’s Final Decision and Order adopting the stipulation agreement.

11. Respondent further agrees that Complainant’s Attorney and the Case Advisor assigned to the complaint, may appear at any closed-deliberative meeting of the Board with respect to this stipulation, but those appearances shall be limited solely to clarification, justification, and to statements in support of the stipulation and for no other purpose.

Lowell M. Koehler	November 4, 1999
Respondent	Date

Henry E. Sanders	November 8, 1999
Complainant’s Attorney	Date